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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,043	01/29/2004	Shingo Yamaguchi	042058	2574
38834	7590	04/17/2007	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/17/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/766,043	YAMAGUCHI ET AL.
	Examiner	Art Unit
	Thomas K. Pham	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 25 January 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 24-26 is/are allowed.  
 6) Claim(s) 1-6, 8-18, 20 and 21 is/are rejected.  
 7) Claim(s) 7, 19, 22 and 23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5)  Notice of Informal Patent Application  
 6)  Other: \_\_\_\_\_

**Response to Amendment**

1. This is in response to the amendment file 01/27/2007.
2. Claims 24-26 are allowed.
3. Claims 7, 19, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Applicants' arguments, with respect to claims 1-6, 8-18, 20 and 21, have been considered but they are not persuasive.

**Quotations of U.S. Code Title 35**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

### **Claim Rejections - 35 USC § 102**

6. Claims 1-6, 8-18, 20 and 21 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,772,038 (“Kadono”).

#### **Regarding claim 1**

Kadono teaches the invention including a working control device comprising: a configuration characteristic extraction unit obtaining configuration information about characteristics of a three-dimensional configuration from design data of an object workpiece (see Col. 2 lines 35-45); a working case storage unit storing working conditions, as a working case, of the working conducted in the past (see, Col. 7 lines 40-50, “machine condition database 9”); a case searching unit searching out the working case from the working case storage unit on the basis of the configuration information (see Col. 8 lines 14-17, “machine condition database 9 is searched”); a working condition setting unit determining the working conditions based on the working case searched out by the case searching unit (see Col. 8 lines 17-31); and a control unit controlling a working machine on the basis of the working conditions (see Col. 9 lines 33-43).

#### **Regarding claim 20**

Kadono teaches the invention including a computer readable medium comprising a working control program for making a computer execute steps of: obtaining configuration information about characteristics of a three-dimensional configuration from design data of an object workpiece (see Col. 2 lines 35-45); searching out a working case on the basis of the configuration information from a working case storage unit storing working conditions, as a working case, of the working conducted in the past (see Col. 7 lines 40-50, “machine condition database 9” and Col. 8 lines 14-17, “machine condition database 9 is searched”); determining the

working conditions based on the working case (see Col. 2 line 64 to Col. 3 line 4); and controlling a working machine on the basis of the working conditions (see Col. 9 lines 33-43).

**Regarding claim 21**

Kadono teaches the invention including a working control system comprising a working machine and a working control device for controlling the working machine, the working control device including: a configuration characteristic extraction unit obtaining configuration information about characteristics of a three-dimensional configuration from design data of an object workpiece (see Col. 2 lines 35-45); a working case storage unit storing working conditions, as a working case, of the working conducted in the past (see Col. 7 lines 40-50, “machine condition database 9”); a case searching unit searching out the working case from the working case storage unit on the basis of the configuration information (see Col. 8 lines 14-17, “machine condition database 9 is searched”); a working condition setting unit determining the working conditions based on the working case searched out by the case searching unit (see Col. 2 line 64 to Col. 3 line 4); and a control unit controlling a working machine on the basis of the working conditions (see Col. 9 lines 33-43).

**Regarding claim 2**

Kadono teaches a judgment criterion storage unit stored with information serving as a judgment criterion for the working conditions (see Col. 8 lines 14-21), wherein the working condition setting unit determines the working conditions based on the information of the judgment criterion storage unit and on the working case searched out by the case searching unit (see Col. 8 lines 21-31).

**Regarding claim 3**

Kadono teaches a pre-working input unit accepting an input of information about the object workpiece (see Col. 5 lines 6-16), wherein the working condition setting unit determines the working conditions based on the information given from the pre-working input unit and on the design data (see Col. 3 lines 58-64).

**Regarding claim 4**

Kadono teaches a monitoring unit obtaining information of the working machine when the control unit controls based on the working conditions (see Col. 8 lines 51-63); and a working case registration unit having the working case storage unit stored with the working machine information obtained by the monitoring unit in a way that makes it as a working case mapping to the configuration information (see Col. 8 lines 63-67).

**Regarding claim 5**

Kadono teaches a monitoring unit obtaining information of the working machine when the control unit controls based on the working conditions (see Col. 8 lines 51-63); a working case registration unit having the working case storage unit stored with the working machine information obtained by the monitoring unit in a way that makes it as a working case mapping to the configuration information (see Col. 8 lines 63-67); and a post-working input unit accepting an input of information about whether the working is preferable or not, wherein the working case registration unit has the working case storage unit stored with the working case, corresponding to the information accepted by the post-working input unit (see Col. 9 lines 9-32).

**Regarding claim 6**

Kadono teaches wherein the configuration characteristic extraction unit divides a surface of the object workpiece represented by the design data into polygons, obtains coordinates of vertexes of these polygons as X-, Y- and Z-values in the case of being expressed by values in X-, Y- and Z-direction, obtains minimum and maximum X-values, minimum and maximum Y-values and minimum and maximum Z-values among all the vertexes, obtains a maximum X-axis directional length by subtracting the minimum X-value from the maximum X-value, obtains a maximum Y-axis directional length by subtracting the minimum Y-value from the maximum Y-value, and obtains a maximum Z-axis directional length by subtracting the minimum Z-value from the maximum Z-value (see Col. 6 lines 40-65).

**Regarding claim 8**

Kadono teaches wherein the configuration characteristic extraction unit judges whether a normal line of the polygon is parallel with a working axis or not, and classifies the polygon exhibiting the parallelism according to a value in the Z-axis direction (see Col. 7 lines 1-6).

**Regarding claim 9**

Kadono teaches wherein the configuration characteristic extraction unit extracts concave shape parts of the object workpiece represented by the design data, and obtains a concave shape radius dimension having a minimum radius in the concave shape parts (see Col. 7 lines 6-12).

**Regarding claim 10**

Kadono teaches wherein the configuration characteristic extraction unit extracts concave shape parts of the object workpiece represented by the design data, classifies the concave shape parts according to a radius dimension (see Col. 7 lines 6-12), obtains an areal size of the concave

shape part according to this radius dimension, and obtains a radius dimension having a maximum areal size (see Col. 8 lines 21-31).

### **Regarding claim 11**

Kadono teaches wherein the configuration characteristic extraction unit divides a surface of the object workpiece represented by the design data into polygons, compares, in the case of representing the coordinates of the vertexes of these polygons in values in the X- Y- and Z-directions, Z-axis values of the vertexes of the polygons excluding the polygons having fitting surfaces to the working machine and the polygons abutting on these fitting surfaces, and obtains a minimum Z-axis value as a maximum depth of the object workpiece (see Col. 6 lines 40-65).

### **Regarding claim 12**

Kadono teaches wherein the configuration characteristic extraction unit divides a surface of the object workpiece represented by the design data into polygons (see Col. 6 lines 55-65), judges whether or not a normal line of the polygon is parallel with the working axis, classifies the polygons into the polygons exhibiting the parallelism and the polygons exhibiting no parallelism (see Col. 7 lines 1-6), obtains a working range by grouping the polygons including shared edges with respect to each classification, and obtains the edges, as a working range boundary line, which are not shared with other polygons in each group (see Col. 7 lines 40-50).

### **Regarding claim 13**

Kadono teaches wherein the configuration characteristic extraction unit obtains blank dimensions by adding a working margin in the working case searched out by the case searching unit to the maximum X-axis directional length, the maximum Y-axis directional length and the maximum Z-axis directional length (see Col. 3 lines 9-23).

**Regarding claim 14**

Kadono teaches a monitoring unit obtaining information of the working machine when the control unit performs the control based on the working conditions (see Col. 8 lines 51-63); a post-working input unit accepting an input of information about whether a result of the working is preferable or not when performing the control (see Col. 9 lines 9-32); and a working case registration unit having the working case storage unit stored with the working machine information obtained by the monitoring unit and information about whether a result of the working is preferable or not in a way that makes it as a working case mapping to the configuration information (see Col. 8 lines 63-67), wherein in case the result of the working in the working case searched out by the case searching unit is preferable, the working condition setting unit determines the working conditions based on the working case (see Col. 8 lines 21-31).

**Regarding claim 15**

Kadono teaches wherein the case searching unit searches the working case database by using the configuration information obtained from the configuration characteristic extraction unit as a search key, and thus searches out a working case mapping to the configuration information falling within a predetermined range (see Col. 8 lines 14-31).

**Regarding claim 16**

Kadono teaches wherein the working machine is a cutting machine, the monitoring unit measures a main shaft load state of the working machine, and the control unit, in case the measured main shaft load is out of a predetermined range, adjusts a feeding speed of the cutting machine so as to fall within the predetermined range (see Col. 8 lines 51-67).

**Regarding claim 17**

Kadono teaches wherein the working machine is a cutting machine, the monitoring unit measures a main shaft load state of the working machine, and the control unit, in case the measured main shaft load is out of a predetermined range, adjusts a the number of revolutions of the main shaft of the cutting machine so as to fall within the predetermined range (see Col. 9 lines 9-32).

**Regarding claim 18**

Kadono teaches wherein in the case of using a plurality of tools, the working condition setting unit compares a cutting residual quantity of the tool to be used ahead with an allowable range of the tool to be used next, and, if the cutting residual quantity of the tool to be used ahead exceeds the allowable range of the next tool, sets so that the cutting residual quantity of the tool to be used head falls within the allowable range of the next tool by changing, adding or deleting the tool (see Col. 9 lines 44-58).

***Response to Arguments***

After carefully review the applicants' arguments and the prior art (Kadono US 6,772,038), examiner realized that the claims are anticipated solely by Kadono. Thus, claims 1-6, 8-18, 20 and 21 are now rejected under 35 U.S.C. 102(e) as being anticipated by Kadono. Although, the same reference has been used in the rejection, this action has been made non-final to give applicants another opportunity to response.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 7:30 AM - 4:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Primary Examiner*



April 13, 2007